

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

WP(C).No. 2427 of 2007(L)

PETITIONERS:

- 1. HEALTH SERVICES PHARMACY GRADUATES
WELFARE ASSOCIATION (REGN.NO.4109/06), PRA 77-A
ANUPAMA, PUTHUPPALLI LANE, MEDICAL COLLEGE P.O.,
THIRUVANANTHAPURAM, REP. BY ITS SECRETARY, SAVIN.T**
- 2. SMT.K.SUDHABAI, W/O.RAJENDRA PRASAD,
AGED 50 YEARS, WORKING AS PHARMACIST GR.II.,
PUBLIC HEALTH CENTRE, MYLAM, KOLLAM.**

BY ADV. SRI.N.UNNIKRISHNAN.

RESPONDENTS:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO THE
GOVERNMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.**
- 2. THE PRINCIPAL SECRETARY TO GOVERNMENT,
HEALTH AND FAMILY WELFARE (H) DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
- 3. THE DIRECTOR OF HEALTH SERVICES,
THIRUVANANTHAPURAM.**

W.P.(C). NO.2427/2007:

**ADDL.R4. KERALA GOVERNMENT PHARMACIST'S ASSOCIATION,
REPRESENTED BY ITS GENERAL SECRETARY,
MR. K.C. AJIT KUMAR, STATE COMMITTEE,
GENERAL HOSPITAL COMPOUND, THIRUVANANTHAPURAM.**

***ADDL. R4 IS IMPEADED AS PER ORDER DATED 23/05/2007
IN I.A. NO. 5379/2007.**

**BY ADV. SRI.P.B.SAHASRANAMAN,
SRI.K.JAGADEESH,
SRI.T.S.HARIKUMAR.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23/05/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 2427 OF 2007-L

JUDGMENT

The 1st petitioner is the Association of Pharmacists with B.Pharm degree. The 2nd petitioner is a member of that Association. They submit, the 8th Pay Commission in its report has made a suggestion to reserve certain posts for the degree holders among the Grade II Pharmacists, for promotion to the post of District Store Verification Officer. The Government have accepted the recommendations of the Pay Commission in toto. But, so far, the Rules have not been amended correspondingly. Without amending the Rules, the respondents are proceeding to fill the posts of District Store Verification Officer in accordance with the seniority in the feeder category. As a result, the senior diploma holders will corner all the promotions. Therefore, this Writ Petition is filed, seeking appropriate reliefs.

2.The learned Government Pleader, upon instructions, submitted that as per the direction of this Court, the representation of the 1st petitioner Association to reserve some posts of District Store Verification Officer for the degree holders among the Grade II Pharmacists has been considered and

rejected by the Government.

3. Whether the Rules should be amended, providing reservation for the degree holders and when it should be done are all policy matters for the Government to decide. This Court cannot direct the Government, when it is acting as the delegate of the legislature, to amend the Rules or not to amend the Rules. Therefore, the reliefs sought in this writ petition cannot be granted. It is well settled that the Government do not owe any duty to amend the Rules in a particular manner and the petitioners do not have any corresponding legal right. Therefore, the prayer for mandamus is declined and the writ petition is dismissed.

23rd May, 2007.

K.BALAKRISHNAN NAIR, JUDGE.

Nm/